



General Assembly

January Session, 2011

Committee Bill No. 5341

LCO No. 2969

02969HB05341PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

***AN ACT REQUIRING THE COLLECTION OF DNA FROM PERSONS
ARRESTED FOR A SERIOUS FELONY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Any person who is arrested on or after the effective date of this
4 section for the commission of a serious felony offense shall, prior to
5 release from custody and at such time as the law enforcement agency
6 that arrested such person may specify, submit to the taking of a blood
7 or other biological sample for DNA (deoxyribonucleic acid) analysis to
8 determine identification characteristics specific to the person.

9 [(a)] (b) Any person who has been convicted of a criminal offense
10 against a victim who is a minor, a nonviolent sexual offense or a
11 sexually violent offense, as those terms are defined in section 54-250, or
12 a felony, and has been sentenced on that conviction to the custody of
13 the Commissioner of Correction, and who has not submitted to the
14 taking of a blood or other biological sample pursuant to subsection (a)
15 of this section with respect to such offense, shall, prior to release from

16 custody and at such time as the commissioner may specify, submit to
17 the taking of a blood or other biological sample for DNA
18 [(deoxyribonucleic acid)] analysis to determine identification
19 characteristics specific to the person. If any person required to submit
20 to the taking of a blood or other biological sample pursuant to this
21 subsection refuses to do so, the Commissioner of Correction or the
22 commissioner's designee shall notify the Department of Public Safety
23 within thirty days of such refusal for the initiation of criminal
24 proceedings against such person.

25 [(b)] (c) Any person who is convicted of a criminal offense against a
26 victim who is a minor, a nonviolent sexual offense or a sexually violent
27 offense, as those terms are defined in section 54-250, or a felony and is
28 not sentenced to a term of confinement, and who has not submitted to
29 the taking of a blood or other biological sample pursuant to subsection
30 (a) of this section with respect to such offense, shall, as a condition of
31 such sentence and at a time and place specified by the Court Support
32 Services Division of the Judicial Department, submit to the taking of a
33 blood or other biological sample for DNA [(deoxyribonucleic acid)]
34 analysis to determine identification characteristics specific to the
35 person.

36 [(c)] (d) Any person who has been found not guilty by reason of
37 mental disease or defect pursuant to section 53a-13 of a criminal
38 offense against a victim who is a minor, a nonviolent sexual offense or
39 a sexually violent offense, as those terms are defined in section 54-250,
40 or a felony [,] and is in custody as a result of that finding, and who has
41 not submitted to the taking of a blood or other biological sample
42 pursuant to subsection (a) of this section with respect to such offense,
43 shall, prior to discharge from custody in accordance with subsection
44 (e) of section 17a-582, section 17a-588 or subsection (g) of section
45 17a-593 and at such time as the Commissioner of Mental Health and
46 Addiction Services or the Commissioner of Developmental Services
47 with whom such person has been placed may specify, submit to the
48 taking of a blood or other biological sample for DNA

49 [(deoxyribonucleic acid)] analysis to determine identification
50 characteristics specific to the person.

51 [(d)] (e) Any person who has been convicted of a criminal offense
52 against a victim who is a minor, a nonviolent sexual offense or a
53 sexually violent offense, as those terms are defined in section 54-250, or
54 a felony, and is serving a period of probation or parole, and who has
55 not submitted to the taking of a blood or other biological sample
56 pursuant to subsection (a), (b), [or] (c) or (d) of this section, shall, prior
57 to discharge from the custody of the Court Support Services Division
58 or the Department of Correction and at such time as said division or
59 department may specify, submit to the taking of a blood or other
60 biological sample for DNA [(deoxyribonucleic acid)] analysis to
61 determine identification characteristics specific to the person.

62 [(e)] (f) Any person who has been convicted or found not guilty by
63 reason of mental disease or defect in any other state or jurisdiction of a
64 felony or of any crime, the essential elements of which are
65 substantially the same as a criminal offense against a victim who is a
66 minor, a nonviolent sexual offense or a sexually violent offense, as
67 those terms are defined in section 54-250, and is in the custody of the
68 Commissioner of Correction, is under the supervision of the Judicial
69 Department or the Board of Pardons and Paroles or is under the
70 jurisdiction of the Psychiatric Security Review Board, and who has not
71 submitted to the taking of a blood or other biological sample pursuant
72 to subsection (a) of this section with respect to the offense that caused
73 such person to be in such custody or under such supervision or
74 jurisdiction, shall, prior to discharge from such custody, supervision or
75 jurisdiction submit to the taking of a blood or other biological sample
76 for DNA [(deoxyribonucleic acid)] analysis to determine identification
77 characteristics specific to the person.

78 [(f)] (g) The analysis shall be performed by the Division of Scientific
79 Services within the Department of Public Safety. The identification
80 characteristics of the profile resulting from the DNA analysis shall be

81 stored and maintained by the division in a DNA data bank and shall
82 be made available only as provided in section 54-102j.

83 ~~[(g)]~~ (h) Any person who refuses to submit to the taking of a blood
84 or other biological sample pursuant to this section shall be guilty of a
85 class D felony. Any person required to submit to the taking of a blood
86 or other biological sample pursuant to subsection (b) of this section
87 who refuses to submit to the taking of such sample within five
88 business days of the time specified by the Court Support Services
89 Division may be arrested pursuant to a warrant issued under section
90 54-2a.

91 Sec. 2. Subsection (a) of section 54-102h of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective*
93 *October 1, 2011*):

94 (a) (1) The collection of a blood or other biological sample from
95 persons required to submit to the taking of such sample pursuant to
96 subsection (a) of section 54-102g, as amended by this act, shall be the
97 responsibility of the agency in whose custody or under whose
98 supervision such person has been placed, and shall be taken prior to
99 release from custody and at a time and place specified by the agency.

100 ~~[(1)]~~ (2) The collection of a blood or other biological sample from
101 persons required to submit to the taking of such sample pursuant to
102 subsection ~~[(a)]~~ (b) of section 54-102g, as amended by this act, shall be
103 the responsibility of the Department of Correction and shall be taken at
104 a time and place specified by the Department of Correction.

105 ~~[(2)]~~ (3) The collection of a blood or other biological sample from
106 persons required to submit to the taking of such sample pursuant to
107 subsection ~~[(b)]~~ (c) of section 54-102g, as amended by this act, shall be
108 the responsibility of the Judicial Department and shall be taken at a
109 time and place specified by the Court Support Services Division.

110 ~~[(3)]~~ (4) The collection of a blood or other biological sample from

111 persons required to submit to the taking of such sample pursuant to
112 subsection [(c)] (d) of section 54-102g, as amended by this act, shall be
113 the responsibility of the Commissioner of Mental Health and
114 Addiction Services or the Commissioner of Developmental Services, as
115 the case may be, and shall be taken at a time and place specified by
116 said commissioner.

117 [(4)] (5) The collection of a blood or other biological sample from
118 persons required to submit to the taking of such sample pursuant to
119 subsection [(d)] (e) of section 54-102g, as amended by this act, shall be
120 the responsibility of the Judicial Department if such person is serving a
121 period of probation and of the Department of Correction if such person
122 is serving a period of parole and shall be taken at a time and place
123 specified by the Court Support Services Division or the Department of
124 Correction, as the case may be.

125 [(5)] (6) The collection of a blood or other biological sample from
126 persons required to submit to the taking of such sample pursuant to
127 subsection [(e)] (f) of section 54-102g, as amended by this act, shall be
128 the responsibility of the agency in whose custody or under whose
129 supervision such person has been placed, and shall be taken at a time
130 and place specified by such agency.

131 Sec. 3. Section 54-102l of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective October 1, 2011*):

133 (a) A person whose DNA profile has been included in the data bank
134 pursuant to sections 54-102g to 54-102k, inclusive, as amended by this
135 act, may request expungement on the grounds that (1) the criminal
136 conviction or the finding of not guilty by reason of mental disease or
137 defect on which the authority for including the person's DNA profile
138 was based has been reversed and the case dismissed, or (2) such DNA
139 profile has been included in the data bank pursuant to subsection (a) of
140 section 54-102g, as amended by this act, and the charge has been
141 dismissed or nolloed or the person has been acquitted of the charge.

142 **(b)** The State Police Forensic Science Laboratory shall purge all
 143 records and identifiable information in the data bank pertaining to the
 144 person and destroy all samples from the person upon receipt of ~~[(1)]~~ a
 145 written request for expungement pursuant to this section ~~[,]~~ and ~~[(2)]~~ a
 146 certified copy of (1) the court order reversing and dismissing the
 147 conviction or the finding of not guilty by reason of mental disease or
 148 defect, or (2) the court order dismissing or nolling the charge or
 149 acquitting the person of the charge, as the case may be.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	54-102g
Sec. 2	<i>October 1, 2011</i>	54-102h(a)
Sec. 3	<i>October 1, 2011</i>	54-102l

Statement of Purpose:

To provide law enforcement agencies with DNA analysis for its potential use in preventing crimes, solving cold cases and exonerating arrested persons who are innocent.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. DARGAN, 115th Dist.

H.B. 5341